

Remarks

As a result of the restriction requirement, claims 1-13 are under consideration.

Claims 1-13 have been amended and new claims 16-18 have been added in accordance with above proffered amendment. No new matter has been introduced.

The applicant's invention is directed to a flexible, substantially dry, disposable article suitable as a personal care article for cleaning and conditioning skin, and for cleaning, sanitizing and disinfecting hard surfaces, which comprises: a first water insoluble flexible nonwoven thermoplastic outer layer having an outer and inner surface; a core layer containing a treatment composition adapted for cleaning, sanitizing or disinfecting hard surfaces or for personal cleaning and conditioning and a second water insoluble flexible nonwoven thermoplastic layer having an outer and inner surface positioned so its inner surface is opposite the inner surface of the first layer, the core layer having been be ultrasonically bonded to and between the first and second layers so as to form a unified article having pin-dot perforations of less than 0.5 millimeters in diameter formed ultrasonically extending through all three of said layers.

The term "substantially dry" has been defined by the applicant at page 6 of the specification as meaning that "the articles exhibit a hand feel that may feel slightly lubricious, but not water wet."

The ultrasonic bonding of the core with the outer layers maintains the integrity of the article and provides the article's thermoplastic outer layers with apertures such that

the layers become fluid permeable. The apertures encourage the introduction of water into the core to activate the treatment composition incorporated therein and the application of hand pressure facilitates and controls the metered release of the activated composition. The ultrasonic bonding is carried out so that the three (or more) layers are through bonded and all of the layers perforated completely. The perforations have an average diameter of less than 0.5 mm.

The support for the term "thermoplastic" as used in the amendment can be found for example at page 4, last paragraph, the Examples and elsewhere. The support for claim 18 directed to the core material can be found for example in the Examples.

Page 8, lines 3-5 have been amended to correctly recite the patent intended for incorporation.

The Examiner has rejected claims 1, 6-8 and 12 as being unpatentable (35 U.S.C. 103(a)) over Haq in view of Lutzow.

The Haq patent discloses a very different structure comprising first and second sheet substrates, at least one of which is liquid permeable such as paper or nonwoven fabric. The substrate layers (one or both) can contain thermoplastic fibers or can be coated with polyethylene film pinholed at suitable intervals. The intermediate layer comprises a porous carrier material, for example plastic foam, vinyl polymers, styrene homo and copolymers, etc. As the porous polymer, polystyrene lightly cross-linked with divinyl benzene and styrene/butyl methacrylate copolymers cross-linked with allyl

methacrylate are given as examples. As set out at column 5, the first and second substrates each of which consists of an outer layer of bulky, lofty, wet strength paper and an inner coating of polyethylene or a nonwoven fabric containing thermoplastic fibers, having sandwiched there between an intermediate layer, the substrates only being bonded together by a spot weld through each perforation provided.. "The article feels to the hand like a fairly bulky cleaning cloth such as chamois or leather."

The materials and bonding technique used by Haq differ entirely from that of the invention. Of major significance is through bonding is not involved. The bonding does not involve the intermediate layer. Furthermore there is no teaching or suggestion to utilize sonic bonding or that it is the sonic bonding that provides the perforations which extend through all of the layers and have identical pore sizes.

The difference is manifest in that the product of the invention is wipe-like, can be used for both hard surface and personal cleaning and exhibits a hand feel that may feel slightly lubricious, while the Haq article feels to hand like a fairly bulky cleaning cloth such as chamois leather.

The Examiner relies on Lutzow as teaching that a nonwoven absorbent core may be ultrasonically bonded between two outer nonwoven layers (column 2, lines 28-44, relied on).

At the place in the patent relied on by the Examiner ultrasonic bonding is not described. Rather, the Lutzow patent describes the invention as "a laminated sheet of thermoplastic fibers for sorbing hydrocarbons and other liquids. More specifically, the laminated sheet of thermoplastic fibers comprises the novel combination of layer meltblown fibers bonded between two layers of needle punched fibers."

“ The laminated sheet has unique sorbing characteristics whereby the outer layers of needle punched fibers draw in and sorb the liquid toward a middle layer of meltblown fibers, which wicks the liquid away from the outer layers and distributes the liquid throughout the middle layer where it is retained, substantially insulated from the outer layers. The unexpectedly strong wicking and retention action of the present invention is attributable to the novel combination of needle punched and meltblown layers which cooperate to enhance the sorbing and holding of hydrocarbons and other liquids.” (Col. 2, lines 28 et seq.) The materials, the resultant functioning and utility of Lutzow are entirely different from that of the invention and from Haq where the objective is to release the treatment composition from the central or core layer. Even if as Lutzow recites “In a preferred embodiment, the layers are bonded together at a number of discrete points across the length and width of the laminated sheet, the bonding may preferably be by electronic welding” there would be no teaching of the invention. The sonic bonding as any alternative contemplated by the patentee would achieve solid point bonding, i.e., and not through bonding causing perforations as is achieved by the applicants herein.

The laminates of Lutzow differ so basically from those of Haq where the central layer is intended to hold a liquid in place and dispense it in use while in Lutzow the central layer the central layer is intended to wick the liquid spill away and store, i.e., retain it substantially isolated. The material used for forming all of the layers are different, the presence of pores in Lutzow would defeat its entire purpose. Clearly the skilled in the art would not be motivated to make the modification suggested by the

Examiner and if he did he would not wind up with product which would be suggestive of the invention

Claims 2-5 have been rejected as unpatentable (35 U.S.C. 103(a)) over the above combination in view of Bullock.

Claims 2-5 are dependent claims directed to the treatment composition. The latter is not being claimed per se. In view of the failure of the combination of Haq and Lutzow to teach or suggest the base invention, the addition of Bullock which is directed to a premoistened wipe containing a substrate and a cleaning composition using toxicologically-acceptable ingredients for treating food such as produce, i.e., fruits and vegetables, edible animal proteins, toys, baby high chairs and the like contributes nothing further. The wipe is premoistened; the substrate comprises a woven or nonwoven web of natural and/or synthetic fibers, the substrate is wet with a cleaning composition. Neither the substrate or the article of the invention are taught or suggested by this patent. The result of incorporating any teaching from Bullock into the Haq-Lutzow combination in view of the failure of the combination of Haq and Lutzow would not teach or suggest the invention.

Claims 2, 3 and 13 have been rejected as being unpatentable (35 U.S.C. 103(a)) over Haq in view of Lutzow in further view of Jackson.

Jackson is directed to a wet wipe which is elastic in at least one direction and which includes an elastic sheet and at least one non-elastic, nonwoven web joined to the elastic sheet at least in two areas, with the non-elastic web being gathered between the two areas, a liquid being distributed within the sheet and/or the web.

There is no teaching or suggestion in the Jackson patent of the instantly claimed invention or how it may be arrived at or what advantages such an article could provide.

Claim 9 directed to the inclusion of an abrasive material in one of said outer substrate layers has been rejected over the combination of Haq and Lutzow taken in view of Chou.

The applicant does not claim this feature per se but as a preferred embodiment of his invention. Chou is directed to a nonwoven abrasive article comprising a substrate having nothing in common with the claimed substrate but which teaches an abrasive coating in the form of a film or sheet bonded thereto. In the case of the invention, the abrasive material is contained in the first or second layer.

The Examiner has rejected claims 10 and 11 over the Haq/Lutzow combination in view of Perdelwitz relied on as disclosing embossing apertured cover sheets to create wipes of varying surface characteristics. The applicant's remarks with respect to preferred features and failure of the reference itself to teach the invention as well as the failure of the main references to teach the invention are incorporated herein by reference.

None of the references alone or in any combination teach or suggest the applicant's invention.

Indicated allowance of the claims is now respectfully requested.

No additional fee is required.

Respectfully submitted


Evelyn M. Sommer

Registration No. 19,603

Attorney for Applicant

825 Third Avenue 30th Floor

New York, New York 10022

212-527-2657

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